

REMARKS

Applicants thank the Examiner for his careful review of the application. Applicants respectfully request reconsideration of the present case in view of the following remarks. Claims 61-73, 75-85, and 87-89 are currently pending. Claims 61 and 77 have been amended. No new matter has been added.

Patentability of the Claims

In the previous Office Action, independent claims 61 and 77 were rejected under 35 U.S.C. §102(b), as being anticipated by United States Patent No. 6,080,106 (Lloyd). In that Office Action, the Examiner acknowledged that Lloyd does not teach a *system* that determines whether caregiver intervention is advisable (instead, Lloyd teaches a system that can issue an alert after a *health care professional* determines that intervention is advisable). Applicants point out that independent claims 61 and 77 have been amended to require a *computer* "configured to determine . . . if [a patient's] chronic condition is acute." Lloyd clearly fails to contain such a teaching or suggestion, meaning that rejection of claims 61 and 77, as being anticipated or rendered obvious by Lloyd is improper, in light of the amendments presented herein.

According to a telephone interview conducted on September 22, 2005, the Examiner presently views United States Patent No. 6,024,699 (Surwit) as the next most relevant reference. Applicants take this opportunity to proactively address Surwit. Surwit teaches a system, which includes a "portable patient monitor" (PPM) that measures patient information, such as blood glucose level, and communicates that information to a physician's access center (PAC server), which is a remote server accessible via a network, such as the Internet. A case manager is able to access information stored at the PAC server via a case manager client (CMC). The PAC server "prioritizes patient medical problems using the data transmitted from PPMs. This allows case managers to focus their attention first on patients with significant medical problems."

Surwit, col. 9, lines 54-58.

Applicants respectfully point out that, as presently amended, independent claims 61 and 77 require forming a determination of whether a patient's condition is acute, "based at least upon a portion of [] answers to . . . questions regarding [a patient's] perception of [his own] condition." Applicants respectfully point out that, while Surwit may contain teachings regarding prioritizing patients based on blood glucose level and other such physiological measurements, Surwit

contains no teachings regarding determining whether a patient's condition is acute based at least in part upon a patient's perception of his own condition.

Since Lloyd fails to teach a system that makes any determination regarding whether a patient's condition is acute, and since Surwit fails to teach a system that does so on the basis of patient perceptions, no combination of Lloyd and Surwit arrives at the invention as claimed in claims 61 and 77. For at least this reason, independent claims 61 and 77 are patentably distinct from Lloyd and Surwit. Further, by virtue of their dependence on independent claims 61 and 77, the dependent claims are also patentably distinct. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of the pending claims.

Conclusion

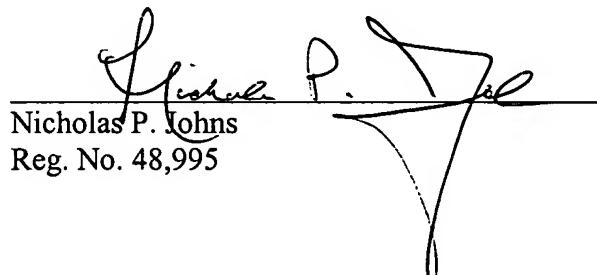
Claims 61-73, 74-85, and 87-89 remain pending in the application. These claims are allowable for at least the reasons set forth above (other reasons may exist, and Applicants reserve the right to make additional arguments advancing these arguments in the future). This amendment is believed to be responsive to all points raised in the Office Action. Accordingly, Applicants respectfully request prompt reconsideration, allowance, and passage of the application to issue. Should the Examiner have any questions or concerns, the Examiner is urged to contact the undersigned by telephone at the number below to expeditiously resolve this matter.



Respectfully submitted,

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